

**Remarks**

This Application has been carefully reviewed in light of the Office Action mailed October 22, 2003. Applicants appreciate the Examiner's consideration of the Application. Applicants have amended Claims 1-4 to clarify various aspects of these claims. Additionally, Applicants have added new Claims 5-45. At least some of these amendments are not narrowing. None of these amendments are considered necessary for patentability. Applicants respectfully request reconsideration and allowance of all amended claims, and consideration and allowance of all new claims.

**Claims 1-4 Are Allowable over the Rejection under 35 U.S.C. § 103**

The Examiner rejects Claims 1-4 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 6,571,215 to Mahapatro ("*Mahapatro*") in view of U.S. Patent 5,408,663 to Miller ("*Miller*"). Applicants respectfully disagree.

In general, *Mahapatro* is directed to a system for generating a schedule by generating assignments for the tasks of a project and sequentially scheduling the individual assignments to available resources. (Abstract) The system disclosed in *Mahapatro* receives information concerning the resources and the tasks. (Column 5, Lines 15-16) The tasks may be associated with constraints such as an identification of the resources assigned to the task and scheduling constraints (e.g., the date by which the task must be completed). (See Abstract and Column 6, Lines 33-40) The information concerning the resources and tasks is used to generate assignments, which can be individually scheduled to a resource, and a resource calendar that identifies available time slots for each resource. (Column 5, Lines 16-20) Next, the assignments are sequentially scheduled into available time slots for the various resources assigned to the project. (Column 5, Lines 20-22) According to *Mahapatro*, the resulting schedule is balanced and maximizes the utilization of the available resources. (Column 5, Lines 22-23)

In contrast, Applicants Claim 1, as amended, recites:

A method for scheduling development planning for a plurality of products of an enterprise, comprising:  
receiving a list of *a plurality of products* to be developed;

receiving a list of required completion dates, each completion date specifying the completion date for the development of *a corresponding product in the plurality of products*;

receiving, *for each product in the plurality of products*, a project definition of a project for developing the product, each project definition defining:

a plurality of tasks required to complete a project for developing the product associated with the project definition; and

a list of resources required to complete each task defined in the product definition, *at least one of the plurality of tasks for at least one of the plurality of projects requiring a material to be provided by an outside party distinct from the enterprise*;

receiving a list of available resources, each resource in the list of available resources having a capacity as a function of time;

*receiving a list of materials available from outside parties distinct from the enterprise and a schedule of availability of the materials available from the outside parties*; and

automatically generating a schedule *comprising all tasks for all projects*, the schedule *allocating the resources such that each resource is allocated at a level less than or equal to its capacity*, the schedule also *scheduling tasks that require materials from outside parties at a time when such materials will be available*.

*Mahapatro*, whether considered alone, in combination with *Miller*, or in combination with knowledge generally available to those of ordinary skill in the art at the time of invention fails to disclose, teach, or suggest various limitations recited in Claim 1.

For example, *Mahapatro* fails to disclose, teach, or suggest "receiving a list of *a plurality of products* to be developed," as recited in Claim 1. *Mahapatro* apparently discloses merely generating a schedule for completing tasks of a *single project*. The cited portions of *Mahapatro* do not make any mention of "a plurality of products," as recited in Claim 1. Apparently, the Examiner is equating *the single project* disclosed in *Mahapatro* to *the plurality of products* disclosed in Claim 1. Applicants respectfully submit that this proposed equation is improper. In general, it is likely much more complex to generate a schedule for a plurality of products and tasks as recited in Applicants Claim 1 than for the *single project* as disclosed in *Mahapatro*. *Miller* fails to make up for this deficiency of *Mahapatro* and thus the proposed *Mahapatro-Miller* combination is insufficient to support these rejections. While Applicants do not agree that this equation is possible, Applicants will assume for the sake of argument that this equation could be made for the remainder of this Response.

As another example, *Mahapatro* fails to disclose, teach, or suggest "receiving a list of required completion dates, each completion date specifying the completion date for the development of *a corresponding product in the plurality of products*," as recited in Claim 1 as amended. *Mahapatro* merely discloses receiving a scheduling constraint for each of the tasks of a project, specifying a date by which the task must be completed. (See Column 6, Lines 37-40) First, because *Mahapatro* fails to disclose, teach, or suggest "the plurality of products" recited in Claim 1 as discussed above, *Mahapatro* necessarily fails to disclose, teach, or suggest "each completion date specifying the completion date for the development of *a corresponding product in the plurality of products*," as recited in Claim 1 as amended. Second, even assuming for the sake of argument that the project in *Mahapatro* could be equated with even a single product in the plurality of products recited in Claim 1, *Mahapatro* would still only teach receiving dates by which *the tasks* of the project must be completed as recited in Applicants' Claim 1 rather than by which the project must be completed as disclosed in *Mahapatro*. Thus, *Mahapatro* fails to disclose, teach, or suggest "receiving a list of required completion dates, each completion date specifying the completion date for the development of *a corresponding product in the plurality of products*," as recited in Claim 1 as amended. *Miller* fails to make up for these deficiencies of *Mahapatro* and thus the proposed *Mahapatro-Miller* combination is insufficient to support these rejections.

As another example, *Mahapatro* fails to disclose, teach, or suggest "*receiving, for each product in the plurality of products, a project definition of a project for developing the product*," as recited in Claim 1 as amended. Even assuming for the sake of argument only that the *tasks received for the single project* by the system in *Mahapatro* could be equated to the project definition recited in Claim 1, *Mahapatro* would still fail to disclose, teach, or suggest "*receiving, for each product in the plurality of products, a project definition of a project for developing the product*," as recited in Claim 1 as amended. *Miller* fails to make up for this deficiency of *Mahapatro* and thus the proposed *Mahapatro-Miller* combination is insufficient to support these rejections.

As another example, *Mahapatro* fails to disclose, teach, or suggest "receiving a list of materials available from outside parties distinct from the enterprise and a schedule of availability of the materials available from the outside parties," as recited in Claim 1 as amended. The

portion of *Mahapatro* cited by the Examiner as teaching this limitation merely discusses a project, which inherently has tasks that must be performed in a particular order. (See Office Action, page 3 and Column 2, Lines 3-5) As an example, *Mahapatro* states, "In building a house, the tasks of laying a foundation, framing the house, and shingling the roofing must be performed in this order." (Column 2, Lines 5-7) The Examiner concludes that these example tasks disclosed in *Mahapatro* are inherently performed by outside parties. Whether or not the Examiner's conclusion is correct, the cited portions of *Mahapatro* still do not mention anything about "*a list of materials available from outside parties*," that any outside parties are distinct from an enterprise, or anything about "*a schedule of availability of materials available from the outside parties*," as recited in Claim 1 as amended. The cited portions of *Mahapatro* apparently disclose nothing more than that certain tasks for building a house must be performed in a certain order. Thus, the cited portions of *Mahapatro* fail to disclose, teach, or suggest "*receiving a list of materials available from outside parties distinct from the enterprise and a schedule of availability of the materials available from the outside parties*," as recited in Claim 1 as amended.

The Examiner acknowledges, and Applicants agree, that *Mahapatro* does not "teach generating a schedule allocating all resources such that each resource is allocated at a level less than or equal to its capacity." (Office Action, page 3) However, the Examiner argues that *Miller* accounts for the acknowledged deficiencies of *Mahapatro*. Applicants respectfully disagree. In particular, nowhere does *Miller* disclose, teach, or suggest "automatically generating a schedule comprising *all tasks for all projects*, the schedule *allocating the resources such that each resource is allocated at a level less than or equal to its capacity*, the schedule also *scheduling tasks that require materials from outside parties at a time when such materials will be available*," as recited in Claim 1 as amended.

One portion of *Miller* cited by the Examiner merely states "The input data provided to the computing system may also include resource requirements for the various tasks as, for example, the number of workers having particular skills or machines of a certain type required to perform each particular task." (Column 1, Lines 46-50) This and another cited portion of *Miller* apparently disclose nothing more than assigning those with certain skills to certain tasks. This certainly does not disclose, teach, or suggest "automatically generating a schedule comprising *all*

*tasks for all projects, the schedule allocating the resources such that each resource is allocated at a level less than or equal to its capacity [the capacity of the resource as a function of time], the schedule also scheduling tasks that require materials from outside parties at a time when such materials will be available," as recited in Claim 1 as amended.*

Thus, the proposed *Mahapatro-Miller* combination is insufficient to support these rejections.

For at least these reasons, Applicants respectfully request reconsideration and allowance of independent Claim 1 and its dependent claims. For reasons similar to those discussed above with reference to independent Claim 1, Applicants respectfully request reconsideration and allowance of independent Claim 3 and its dependent claims.

All of Applicants' arguments and amendments are without prejudice or disclaimer. Additionally, Applicants have merely discussed example distinctions from *Mahapatro* and *Miller*. Other distinctions may exist, and Applicants reserve the right to discuss these additional distinctions in a later Response or on Appeal, if appropriate. The example distinctions discussed by Applicants are sufficient to overcome the obviousness rejections.

#### **New Claims 5-45 are Allowable**

In addition to being dependent on allowable independent claims, new Claims 5-17 (which depend from independent Claim 1) and new Claims 18-30 (which depend from independent Claim 3) recite further patentable distinctions over the prior art of record. To avoid burdening the record and in view of the clear allowability of independent Claims 1 and 3 over the references cited by the Examiner, Applicants do not specifically discuss these distinctions in this Response. However, Applicants reserve the right to discuss these distinctions in a future Response or on Appeal, if appropriate. Furthermore, new Claims 31-45 are directed to software and are allowable for reasons similar to those discussed above with reference to Claims 1-2 and new Claims 5-17 (which Applicants have shown to be allowable). For at least these reasons, Applicants respectfully request consideration and allowance of new Claims 5-45.

**Conclusion**

Applicants have made an earnest attempt to place this case in condition for allowance. For at least the foregoing reasons, Applicants respectfully request full allowance of all pending claims.

If the Examiner believes a telephone conference would advance prosecution of this case in any way, the Examiner is invited to contact Christopher W. Kennerly, Attorney for Applicants, at the Examiner's convenience at (214) 953-6812.

An additional filing fee of \$450.00 is due to cover the cost of 25 new claims total over twenty. Additionally, a fee of \$110.00 is due to cover the cost of a one-month extension of time. The Commissioner is hereby authorized to charge the above fees and any other fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

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